

Congress of the United States
Washington, DC 20510

December 14, 2018

Mr. Ronald D. Vitiello
Acting Director
U.S. Immigration and Customs Enforcement
Washington, D.C., 20536

Dear Acting Director Vitiello:

As members of the State of California's congressional delegation, we write to express our strong concern about conditions and oversight of U.S. Immigration and Customs Enforcement (ICE) immigration detention facilities in our state. This past year, ICE has held a record number of immigrants in custody nationwide,¹ the vast majority of whom posed no public safety threat. California ICE facilities held the second greatest number of immigration detainees of any state.² In the wake of troubling recent reports by the Department of Homeland Security (DHS)'s Office of Inspector General (OIG) and others, we write to request additional information about ICE's management and oversight of its California detention facilities to ensure that the human rights and dignity of detained immigrants in our state are protected.

On September 27, 2018, the DHS OIG published a report identifying egregious violations of ICE's Performance-Based National Detention Standards at California's largest immigration detention facility, the Adelanto ICE Processing Center (Adelanto) operated by private contractor GEO Group, whose conditions have long fueled concern of California's congressional delegation.³ The OIG found untimely and inadequate detainee medical care at the facility, recording 80 detainee medical care grievances filed from November 2017 to April 2018—including grievances for not receiving urgent medical care, not being seen by health providers for persistent conditions for months, and not receiving prescribed medications for months. The OIG noted that ICE in fact cited medical care deficiencies in three detainee death reviews at the facility since the 2015 fiscal year.⁴ Raising additional concern about the OIG's findings, the

¹ Geneva Sands, *This year saw the most people in immigration detention since 2001*, CNN, November 12, 2018, available at: <https://www.cnn.com/2018/11/12/politics/ice-detention/index.html>

² ICE immigration detention data as of June 30, 2018 obtained via the Freedom of Information Act cited in *Profiling Who ICE Detains – Few Committed Any Crime*, TRAC Immigration, available at: <http://trac.syr.edu/immigration/reports/530/>

³ See Letter from Representatives Judy Chu, Karen Bass, et al, to Director Saldana, Inspector General Horowitz, and Inspector General Roth, July 14, 2015, available at: <https://www.documentcloud.org/documents/2165708-adelanto-letter.html>; Leslie Berestein Rojas, *Have changes at Adelanto immigrant detention center led to better health care?* KPCC, October 12, 2016, available at: <https://www.scpr.org/news/2016/10/12/65452/have-changes-at-adelanto-immigrant-detention-cente/>

⁴ U.S. Department of Homeland Security Office of Inspector General, *Management Alert—Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California*, September 27, 2018, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>

Project on Government Oversight has revealed that Correct Care Solutions—a GEO Group subcontractor for medical care services at Adelanto—had been sued at least 1,395 times in federal courts over the past decade.⁵

The DHS OIG’s Adelanto report further reveals alarming conduct by contract staff at the facility that suggests major training and management deficiencies, including improper and overly restrictive segregation of detainees from the general population and inadequate attention to detainee safety and self-harm. Shockingly, the OIG found one disabled detainee was “inappropriately held” in solitary confinement for nine days, with his file not indicating that facility staff ever moved him from his wheelchair and his bedding and toiletries remained unpacked. The OIG also criticized ICE responses to a “recurring problem” of nooses of braided bed sheets hung by detainees in facility housing areas. They reported at least seven suicide attempts at the facility between December 2016 and October 2017 and a detainee allegation that staff crudely referred to those who tried to avail themselves of the nooses as “suicide failures.”⁶

This report follows other troubling recent DHS OIG reports that highlight unacceptable conditions at other immigration detention facilities in California. A December 11, 2017 DHS OIG report on unannounced visits to five facilities including the ICE-contracted Santa Ana City Jail found conditions that “undermine protection of detainees’ rights, their humane treatment, and the provision of a safe and healthy environment.” At the California jail specifically, the OIG confirmed immigration detainee reports of undocumented strip searches and undocumented and inappropriate segregation in violation of applicable ICE standards, multi-day delays for urgent medical care, and verbal abuse by staff.⁷ A March 6, 2017 OIG report on an unannounced visit to the ICE-contracted Theo Lacy facility in Orange County highlighted unsafe conditions including spoiled food, mildew, and refuse, and undocumented and inappropriate immigration detainee segregation also in violation of applicable ICE standards.⁸

The DHS OIG reports and media and community organization reports suggest that ICE is conducting insufficient oversight of its California immigration detention facilities.⁹ Significantly,

⁵ Ken Silverstein, *Leading for-profit prison and immigration detention medical company sued at least 1,395 times*, YAHOO NEWS, October 29, 2018, available at: <https://www.yahoo.com/news/leading-profit-prison-immigration-detention-medical-company-sued-least-1395-times-100026407.html>

⁶ U.S. Department of Homeland Security Office of Inspector General, *Management Alert [Adelanto]*

⁷ U.S. Department of Homeland Security Office of Inspector General, *Concerns about ICE Detainee Treatment and Care at Detention Facilities*, December 11, 2017, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>

⁸ U.S. Department of Homeland Security Office of Inspector General, *Management Alert on Issues Requiring Immediate Action at the Theo Lacy Facility in Orange, California*, March 6, 2017, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2017/OIG-17-43-MA-030617.pdf>

⁹ Kristina Davis, *Mexican Man’s Widow Sues, Says Immigration Detention Facility Staff Ignored Pleas for Help*, THE LOS ANGELES TIMES, March 24, 2017, available at: <https://www.latimes.com/local/lanow/la-me-detention-lawsuit-20170324-story.html>; Editorial Board, *If ICE is Going to Lock Up Immigration Violators, It Needs to Do So in Safe and Clean Facilities*, THE LOS ANGELES TIMES, July 3, 2018, available at: <https://www.latimes.com/opinion/editorials/la-ed-ice-detention-immigration-20180703-story.html>; CIVIC and Detention Watch Network, *Abuse in Adelanto: An Investigation into a California Town’s Immigration Jail*, October 2015, available at: http://www.endisolation.org/wp-content/uploads/2015/11/CIVIC_DWN-Adelanto-Report_old.pdf; Alice Speri, *At Largest ICE Detention Center in the Country, Guard Called Attempted Suicides “Failures,”* THE INTERCEPT, October 11, 2018, available at: <https://theintercept.com/2018/10/11/adelanto-ice-detention-center-abuse/>

on June 26, 2018, the DHS OIG issued a report finding that neither ICE's inspections nor onsite monitoring of its detention facilities—conducted by a private contractor Nakamoto Group and ICE's Office of Detention Oversight (ODO)—ensured consistent compliance with agency standards, and that the agency does not systematically rectify detention facility conditions. The OIG concluded that Nakamoto Group detention facility inspections were too broad in scope to be completed by a small team with realistic time constraints; typically, inspectors are given only three days to complete an inspection, interview up to 100 detainees, brief facility staff, and begin writing their report. Further, ICE does not provide the Nakamoto Group with clear procedures for evaluating detention conditions, which resulted in staff merely reviewing written policies and procedures instead of fully observing actual facility conditions. ODO facility inspections lacked sufficient frequency and follow-up, leaving problems unaddressed for years, including facilities' continued failure to notify ICE about alleged or proven sexual assaults and facilities' continued practice of routinely strip searching detainees during intake without proper documentation.¹⁰

Under this administration, ICE has provided insufficient transparency about its management and oversight of its immigration detention facilities in California to members of Congress, community organizations, and the public. ICE appears to be increasingly evading accountability for its management of these facilities by inappropriately deflecting requests for information about facilities operated and staffed by private contractors to those private contractors. Given this status quo, we are alarmed that ICE and private contractor CoreCivic have recently joined to implement a new requirement for community visitors to the Otay Mesa Detention Center that requires them to sign a "Volunteer Code of Ethics Form" restricting them from discussing facility conditions with the media.¹¹

We believe that ICE's management and oversight of its immigration detention facilities in California must improve. To fulfill our prerogative of holding ICE accountable for the agency's operations in our state, we request that ICE provide us with the following information for each ICE immigration detention facility in California for the period spanning January 20, 2017 to the present unless otherwise specified:

1. All ICE and contractor policies and procedures governing facility conditions and standards, including but not limited to ICE Performance-Based National Detention Standards and ICE Health Service Corps policies and procedures.
2. All ICE and contractor policies and procedures governing facility expansion and renovations.
3. All ICE, ICE Health Service Corps, and contractor policies and procedures governing inspections and oversight and staff supervision and discipline at the facility.

¹⁰ U.S. Department of Homeland Security Office of Inspector General, "ICE Inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements," June 26, 2018, available at: <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>

¹¹ Kate Morrissey, *ICE moves to silence detention center volunteer visits*, SAN DIEGO UNION-TRIBUNE, November 5, 2018, available at: <https://www.sandiegouniontribune.com/news/immigration/sd-me-immigration-detention-visitors-20181105-story.html>


4. All ICE policies and procedures governing responses to congressional requests for information about the facility, particularly with respect to conduct of private and federal, state, and local contractors.
5. All DHS Office of Civil Rights and Civil Liberties, ICE Office of Detention Oversight, ICE Health Service Corps, and other contractor inspection reports for the facility received by ICE or contract management staff at the facility and any responses provided by such staff.
6. All ICE and contractor policies and procedures for processing immigration detainee grievances at the facility.
7. All ICE and contractor policies and procedures for allowing immigration detainees access to telephonic hotlines run by the DHS Office of Inspector General and non-profit organizations to collect complaints about facility conditions.
8. All logs of immigration detainee grievances filed against ICE and contract staff and all responses provided to filers and statistical breakdowns of grievances by type at the facility.
9. All ICE and contractor training policies, training modules, and training attendance records for staff at the facility relating to provision of medical and mental health services, use of force, segregation of immigration detainees from the general population, sexual harassment and assault, civil rights, language access, and communications with immigration detainees.
10. All ICE and contractor policies and procedures for facility visitation by families, associates, legal representatives, consular officials, and others in the community, including copies of all forms visitors are asked to sign and the legal rationales for such forms.
11. All ICE and contractor policies and procedures relating to use of USCIS Form G-28 and privacy waiver forms at the facility, including requirements for use of forms by U.S. congressional offices to seek information on cases of immigration detainees at the facility.
12. All ICE and contractor policies and procedures relating to treatment of detainees with disabilities and serious health conditions, pregnant women, and LGBTQ+ immigration detainees.
13. All ICE and contractor policies and procedures relating to immigration detainee access to telephones and other means of communications with individuals outside the facility.
14. All ICE and contractor policies and procedures relating to voluntary work programs and recreational activities for immigration detainees.
15. A staffing grid for all ICE and contractor medical and mental health staff at the facility, including professional qualifications, weekly work schedules, and leave status.
16. Monthly data on the total number and average daily number of immigration detainees held at the facility, broken down by age and gender.

17. Monthly data on the ratio of all ICE and contractor staff to immigration detainees, including the ratios of all medical and mental health staff to such detainees, at the facility.
18. Monthly data on the number of pregnant women detained by ICE broken down by trimester of pregnancy and any miscarriages that have occurred at the facility.
19. Monthly data on the number of immigration detainees who received mental health services, were subject to segregation from the general population for mental health conditions, were subject to medical observation for suicide risk, and attempted suicide at the facility.
20. All ICE Office of Detention Oversight death reports of immigration detainees and supporting documentation for the facility since March 1, 2003 or whenever thereafter that the facility began to hold immigration detainees.

If ICE is unable to provide any of the above information, we request that you provide a detailed explanation of the rationale and any underlying legal justification. We also request that, in any such cases, ICE explain how members of California's congressional delegation can otherwise obtain the requested information to fulfill our prerogative of conducting oversight of your agency's immigration detention facilities in our state.

We appreciate your timely response to this request.

Sincerely,



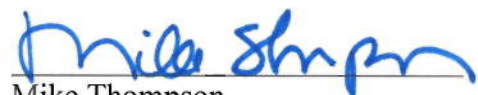
Kamala D. Harris
United States Senator



J. Luis Correa
United States Representative



Zoe Lofgren
United States Representative



Mike Thompson
United States Representative



Alan Lowenthal
United States Representative



Jim Costa
United States Representative



Karen Bass
United States Representative



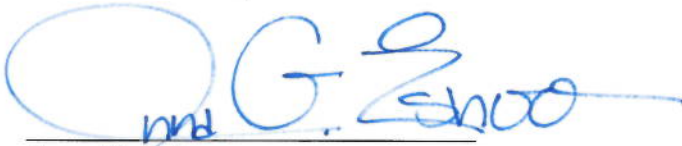
Jimmy Gomez
United States Representative



Ro Khanna
United States Representative



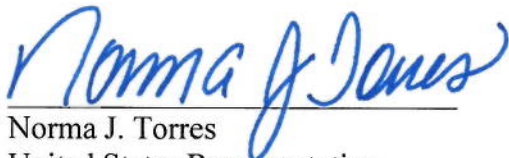
Mark DeSaulnier
United States Representative



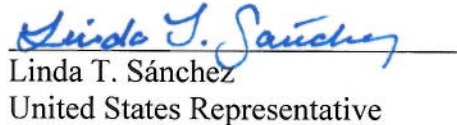
Anna G. Eshoo
United States Representative



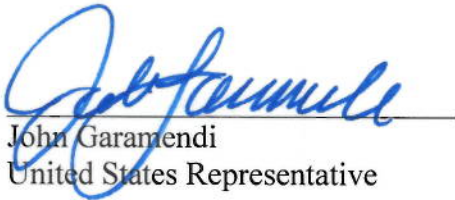
Grace F. Napolitano
United States Representative



Norma J. Torres
United States Representative



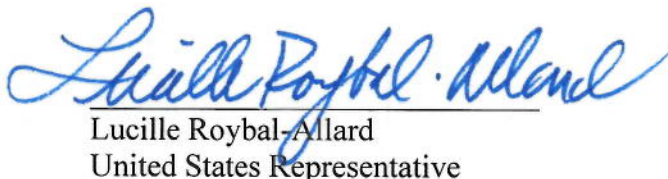
Linda T. Sánchez
United States Representative




John Garamendi
United States Representative



Pete Aguilar
United States Representative




Lucille Roybal-Allard
United States Representative



Tony Cárdenas
United States Representative



Scott Peters
United States Representative



Juan Vargas
United States Representative



Judy Chu
United States Representative



Jackie Speier
United States Representative



Nanette Diaz Barragan
United States Representative



Salud Carbajal
United States Representative